IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 28169 of 1995

Between:

Narayana Reddy S/o Baga Reddy
R/o Kasal Village, Hathnoora Mandal,
Medak Dist.

..... PETITIONER

AND

1 The Additional Revenue Divisional Officer (Land Reforms)
Sanga Reddy, Medak Dist.
2 The Mandal Revenue Officer
Hathnoora Mandal, Medak Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or a Direction, preferably one in the Nature of the Writ of Mandamus, Directing the 1st Respondent to take up surrender Proceedings in pursuance of the Second and Final Order of the1st Respondent after remand and accept the Agriculture Patta Lands of the Petitioner in Sy.No. 614 (Double Crop, Wet) to the extent of 30 Gts. full extent of 30 Gts. (Full Extent), Sy. No. 814 (Dry) to the extent of Ac.3-14 Gts. (Full Extent) and Sy. No. 839/Part (Double Crop, Wet) to the extent of 15 Gts. equivalent to 0.1178 S.H surrendered in from No. 6 Under Rule 7(1) on 30/12/1978 declaring the earlier Proceedings as illegal, void and without any jurisdiction..

Counsel for the Petitioner: MR.C.R.PRATAP REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus to direct the first respondent to take up the surrender proceedings in pursuance of the order dated 27.11.1978 and to accept the agricultural patta lands of the petitioner situated in Sy.No.614 admeasuring 30 guntas, Sy.No.814 admeasuring Ac.3-14 cents and Sy.No.839/part admeasuring 15 guntas of Kasal Village, Hathnoora Mandal, Medak District, which were surrendered on 30.12.1978, declaring the proceedings dated 10.11.1995 as illegal and void.

The brief facts of the case are as follows:-

The primary authority by its order dated 19.10.1976 declared the petitioner as a surplus land holder. Against the said orders, the authorized Officer preferred an appeal before the Land Reforms Appellate Tribunal, wherein the tribunal by its order dated 09.12.1977 set aside the said order of the primary authority and remanded the matter to conduct fresh enquiry. In pursuance of the said order, the 1st respondent again conducted fresh enquiry and passed the orders on 27.11.1978 and issued notices to the petitioner calling upon him to surrender the land in respect of two old survey numbers viz., 614 and 839 and a new Sy.No.814 of Kasal Village of Medak District. But, as the first respondent instead of surrendering the extents of survey numbers submitted by the petitioner in pursuance of the order dated 27.11.1978 insisted to surrender the lands mentioned in the order dated 19.10.1976, the petitioner filed a suit before the District Munsif at Narsapur and the same was decreed.

Now, the grievance of the petitioner is that the first respondent without completing the surrender proceedings in pursuance of the order, dated 27.11.1978, has addressed a letter to the second respondent directing him to take over the possession of the lands mentioned in the order dated 19.10.1976, which was already set-

aside by the Land Reforms Appellate Tribunal. Hence, the present writ petition.

It is pertinent to note that though the petitioner has chosen to offer lands situated in Sy.Nos.629/A. 630/A, 733/A and 892/A, which he has obtained in pursuance of the decree in O.S.No.36 of 1982 on the file of Munsif Magistrate Court, Narsapur, for surrender, but, the Additional Revenue Divisional Officer, Sanga Reddy District, rejected the said offer on 10.11.1995. Therefore, in the absence of any revised orders of Land Reforms Tribunal, accepting the lands offered by the petitioner for surrender, the earlier orders dated 21.01.1977 passed by the Land Reforms tribunal accepting the lands surrendered by the declarant holds good.

For the foregoing reasons, I do not find any justifiable reason to interfere with the impugned order and accordingly, the writ petition is dismissed. No order as to costs.

T.MEENA KUMARI, J

10.03.2005

dr

To

1 The Additional Revenue Divisional Officer (Land Reforms)
Sanga Reddy, Medak Dist.
2 The Mandal Revenue Officer
Hathnoora Mandal, Medak Dist.

3 2 CCs to Government Pleader for Revenue,

High Court Buildings, Hyderabad. (OUT)

4 2 CD copies